

1 RENE L. VALLADARES  
Federal Public Defender  
2 State Bar No. 11479  
REBECCA A. LEVY  
3 Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax  
rebecca\_levy@fd.org  
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7 Attorney for GILBERTO CISNEROS

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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 GILBERTO CISNEROS,

15 Defendant.  
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Case No. 2:17-cr-121-JAD-PAL-1

**STIPULATION TO EXTEND  
RESPONSE TO OBJECTIONS**  
(First Request)

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18 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United  
19 States Attorney, and Brandon Jaroch., Assistant United States Attorney, counsel for the United  
20 States of America, and Rene L. Valladares, Federal Public Defender, and Rebecca A. Levy,  
21 Assistant Federal Public Defender, counsel for Gilberto Cisneros, that the Response to  
22 Objections, currently due January 11, 2018, be extend to and including January 22, 2018.

23 The Stipulation is entered into for the following reasons:

- 24 1. The defendant is in custody but does not oppose the continuance.  
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1           2.       On December 28, 2017, government counsel filed Objections to Report and  
2 Recommendation (ECF No. 43). The response is currently due January 11, 2018.

3           3.       Undersigned defense counsel will be out of the jurisdiction on the currently set  
4 response deadline.

5           4.       The additional time requested herein is not sought for purposes of delay, but  
6 merely to allow for defense counsel to respond to the objections following her return.

7           5.       Denial of this request for continuance would deny counsel for the defendant  
8 sufficient time to effectively and thoroughly prepare and submit an appropriate response to the  
9 objections, taking into account the exercise of due diligence.

10          6.       Additionally, denial of this request for continuance could result in a miscarriage  
11 of justice.

12          7.       The additional time requested by this Stipulation is excludable in computing the  
13 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
14 United States Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A),  
15 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and  
16 3161(h)(7)(B)(iv).  
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1 This is the first stipulation to extend the response date.

2 DATED this 9th day of January, 2018.

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4 RENE L. VALLADARES  
Federal Public Defender

DAYLE ELIESON,  
United States Attorney

5 /s/ *Rebecca A. Levy*

/s/ *Brandon Jaroch*

6 By\_\_\_\_\_

By\_\_\_\_\_

7 REBECCA A. LEVY  
Assistant Federal Public Defender  
Counsel for GILBERTO CISNEROS

BRANDON JAROCK.  
Assistant United States Attorney

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,  
4                                   Plaintiff,  
5                                   v.  
6 GILBERTO CISNEROS,  
7                                   DEFENDANT.  
8

Case No. 2:17-cr-121-JAD-PAL-1

FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER

9                                   **FINDINGS OF FACT**

10                               Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
11 Court finds that:

- 12                               1.       The defendant is in custody but does not oppose the continuance.
- 13                               2.       On December 28, 2017, government counsel filed Objections to Report and  
14 Recommendation (ECF No. 43). The response is currently due January 11, 2018.
- 15                               3.       Undersigned defense counsel will be out of the jurisdiction on the currently set  
16 response deadline.
- 17                               4.       The additional time requested herein is not sought for purposes of delay, but  
18 merely to allow for defense counsel to respond to the objections following her return.
- 19                               5.       Denial of this request for continuance would deny counsel for the defendant  
20 sufficient time to effectively and thoroughly prepare and submit an appropriate response to the  
21 objections, taking into account the exercise of due diligence.
- 22                               6.       Additionally, denial of this request for continuance could result in a miscarriage  
23 of justice.
- 24                               7.       The additional time requested by this Stipulation is excludable in computing the  
25 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
26

1 United States Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A),  
2 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and  
3 3161(h)(7)(B)(iv).

4  
5 **CONCLUSIONS OF LAW**


6 The ends of justice served by granting said continuance outweigh the best interest of the  
7 public and the defendant in a speedy trial, since the failure to grant said continuance would be  
8 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
9 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
10 account the exercise of due diligence.

11 The continuance sought herein is excusable under the Speedy Trial Act, title 18, United  
12 States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United  
13 States Code, § 3161(h)(7)(B)(i), (iv).

14 **ORDER**

15 IT IS THEREFORE ORDERED that that the Response to Objections, currently due  
16 January 11, 2018, be extend to and including January 22, 2018.

17 DATED this 11th day of January, 2018.

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19 UNITED STATES ~~MAGISTRATE~~ JUDGE  
20 DISTRICT  
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